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**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:02-cv-00373-MHM**

Schlund v. ATAssigned to: Judge Mary H Murguia
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 03/01/2002
Date Terminated: 09/29/2003
Jury Demand: None
Nature of Suit: 895 Other Statutes:
Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Charles August Schlund, III**

represented by **Charles August Schlund, III**
8520 N 54th Dr.
Glendale, AZ 85302
220-2826
PRO SE

V.

Defendant

**Alcohol, Tobacco and Firearms,
Bureau of**

represented by **Arthur G Garcia ,**
US Attorney's Office
2 Renaissance Sq
40 N Central Ave
Ste 1200
Phoenix, Az 85004-4408
602-514-7500
Fax: 602-514-7760
Email: art.garcia@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/01/2002	1	COMPLAINT filed. Considered for possible arbitration. (former emp) (Entered: 03/06/2002)
03/01/2002	2	NOTICE by pla of advance recusal and continuous objection to the assignment of Judge Robert C. Broomfield and afdt of Charles August Schlund, III, in support thereof; and ntc of req for oral argument. (former emp) (Entered: 03/06/2002)
03/11/2002	3	MOTION to recuse that assignment of Judge Fredrick J Martoine (sic) by pla Charles August Schlund III [3-1] and REQUEST for evidentiary hearing and/or oral argument by pla Charles August Schlund III [3-2] (LAD) (Entered: 03/12/2002)
03/13/2002	4	MINUTE ORDER denying as moot motion to recuse that assignment of Judge Fredrick J Martoine [3-1] and motion for evidentiary hearing and/or oral argument [3-2] as this case is assigned to the Honorable Mary H. Murguia and not Judge Martone. (cc: all counsel) 4 (former emp) (Entered: 03/13/2002)
03/26/2002	5	RETURN OF SERVICE EXECUTED summons/complaint upon dft ATFby service upon Tom Mangan in Phoenix, AZ on 3/11/02 (LAD) (Entered: 03/27/2002)
08/14/2002	6	MINUTE ORDER status hearing re no answer is set for 4:30PM, 9/17/02 (cc: all counsel) 6 (former emp) (Entered: 08/14/2002)
09/17/2002	7	MINUTE ENTRY before Judge Mary H. Murguia . Crt Rptr: David German. Present: Charles Schlund, pla. Status hearing held. Court directs pla to properly serve dfts or take the next step to move his case along. 7 (former emp) (Entered: 09/17/2002)

		09/18/2002)
11/05/2002	8	MINUTE ORDER status hearing re service is set for 3:30PM, 12/13/02; hearing to be vacated upon proper service of dft. (cc: all counsel) 8 (former emp) (Entered: 11/05/2002)
11/20/2002	9	MINUTE ORDER status hearing re service set for 12/12/02 is vacated and reset to 4:00PM, 1/9/03; hearing to be vacated upon proper service of defendant. (cc: all counsel) 9 (former emp) Modified on 11/20/2002 (Entered: 11/20/2002)
01/08/2003	10	RETURN OF SERVICE of summons/complaint upon dft ATFby sending certified mail on US Attorney General on 1/7/03 (no return receipt provided) (LAD) (Entered: 01/09/2003)
01/08/2003	11	RETURN OF SERVICE EXECUTED summons/complaint upon dft ATFby service upon the US Attorney, District of Arizona, in Phoenix, AZ (Victoria Barbuto accepting) on 1/7/03 (LAD) (Entered: 01/09/2003)
01/08/2003	12	RETURN OF SERVICE EXECUTED summons/complaint upon dft ATFby service upon Diane Montaser in Phoenix, AZ on 1/7/03 (LAD) (Entered: 01/09/2003)
01/08/2003	13	AMENDED COMPLAINT to entforce compliance with the Freedom of Information Act (FOIA) and Privacy Act by pla Charles August Schlund III; [1-1] (LAD) (Entered: 01/09/2003)
02/07/2003	14	MOTION to dismiss complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) as pla has failed to state a claim upon which relief may be granted by dft ATF[14-1] (LAD) (Entered: 02/10/2003)
02/11/2003	15	NOTICE OF FILING THE SIGNED DECLARATION of Dorothy A Chambers re motion to dismiss complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) as pla has failed to state a claim upon which relief may be granted by dft ATF[14-1] by dft ATF(LAD) (Entered: 02/12/2003)
02/18/2003	16	ANSWER to complaint (amended) [13-1] by dft ATF(LAD) (Entered: 02/20/2003)
02/24/2003	17	RESPONSE (OPPOSITION) by pla Charles August Schlund III to motion to dismiss complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) as pla has failed to state a claim upon which relief may be granted by dft ATF[14-1] (LAD) (Entered: 02/25/2003)
02/24/2003	18	NOTICE by pla Charles August Schlund III of lodging various documents and other tangible things by pla Schlund (LAD) (Entered: 02/25/2003)
02/24/2003	18	NOTICE by pla Charles August Schlund III of request for judicial notice (Federal Rule of Evidence 201((LAD) (Entered: 02/25/2003)
02/24/2003	19	OBJECTION by pla Charles August Schlund III to notice of fililng the signed declaration and declaration of Dorothy A Chambers [15-1] (LAD) (Entered: 02/26/2003)
02/24/2003	19	MOTION to strike notice of filing signed declaration and declaration of Dorothy A Chambers [15-1] by pla Charles August Schlund III [19-1] (LAD) (Entered: 02/26/2003)
02/24/2003	20	(NOTICE AND) MOTION to produce /release personal record of plaintiff by pla Charles August Schlund III [20-1] (FMP) (Entered: 02/26/2003)
02/24/2003	21	SUPPLEMENTAL RESPONSE by pla Charles August Schlund III to motion to dismiss complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) as pla has failed to state a claim upon which relief may be granted by dft ATF[14-1] (FMP) Modified on 02/27/2003 (Entered: 02/26/2003)
03/06/2003	22	RESPONSE by dft ATFto motion to strike notice of filing signed declaration and declaration of Dorothy A Chambers [15-1] by pla Charles August Schlund III [19-1] (LAD) (Entered: 03/10/2003)

03/06/2003	22	REPLY by dft ATFto objection [19-1] (LAD) (Entered: 03/10/2003)
03/06/2003	23	REPLY by dft ATFto response to motion to dismiss complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) as pla has failed to state a claim upon which relief may be granted by dft ATF[14-1] (LAD) (Entered: 03/10/2003)
03/10/2003	24	SUPPLEMENTAL REPLY by pla Charles August Schlund III to reply to response (opposition) to motion to dismiss complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) as pla has failed to state a claim upon which relief may be granted by dft ATF[14-1] (LAD) (Entered: 03/12/2003)
03/12/2003	25	SUPPLEMENT by pla Charles August Schlund III to objection [19-1], motion to strike notice of filing signed declaration and declaration of Dorothy A Chambers [15-1] by pla Charles August Schlund III [19-1] (LAD) (Entered: 03/14/2003)
08/15/2003	26	NOTICE AND MOTION for injunctive relief against dfts from torture and interference with freedom of speech, privacy and association to stop irreparable harm and memo of points and authorities by pla Charles August Schlund III [26-1] (LAD) (Entered: 08/19/2003)
08/15/2003	26	AFFIDAVIT of Charles August Schlund III in support of motion for injunctive relief against dfts from torture and interference with freedom of speech, privacy and association to stop irreparable harm and memo of points and authorities by pla Charles August Schlund III [26-1] by pla Charles August Schlund III (LAD) (Entered: 08/19/2003)
09/29/2003	<u>27</u>	ORDER by Judge Mary H. Murguia that the ATF's Motion to Dismiss [14-1] is GRANTED and Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE; FURTHER ORDERED that Plaintiff's Objection and Motion to Strike Notice of Filing the Signed Declaration and Declaration of Dorothy A Chambers [15-1], [19-1] is DENIED AS MOOT; FURTHER ORDERED that Plaintiff's Motion to Release Personal Record of Plaintiff [20-1] is DENIED (cc: all counsel) (SAT) (ADI-ICMS,). (Entered: 09/29/2003)
09/29/2003	<u>28</u>	JUDGMENT: that the Court has granted the Defendants Motion to Dismiss, therefore the Plaintiff shall take nothing. This complaint and action are hereby dismissed without prejudice. (cc: all counsel) re: judgment [28-1] (SAT) (ADI-ICMS,). (Entered: 09/29/2003)
10/14/2003	29	NOTICE OF APPEAL by pla Charles August Schlund III from District Court judgment [28-1], order filed [27-1] (cc: 9CCA/All Counsel/judge) (former emp) Modified on 01/16/2004 (Entered: 10/15/2003)
10/17/2003		APPEAL PACKET forwarded to all parties and 9th Circuit re: NOTICE OF APPEAL [29-1] (REW) (Entered: 10/17/2003)
11/06/2003		Notification by 9th Circuit of Appellate Docket Number 03-16975 re NOTICE OF APPEAL [29-1] (REW) (Entered: 11/06/2003)
11/06/2003		Received \$255.00 appeal fee re NOTICE OF APPEAL [29-1] (copy of receipt received from finance, receipt not received by clerk when paid) (REW) (Entered: 01/20/2004)
12/12/2003	<u>30</u>	CERTIFIED COPY of 9th Circuit Mandate dismissing the appeal for failure to respond to the court's order, re: 03-16975 [29-1] (cc: all counsel/judge) (REW) (ADI-ICMS,). (Entered: 12/12/2003)
01/16/2004	31	Certified Copy of 9th Circuit Order; appellant's motion to set aside erroneous order of dismissal construed as a motion to reinstate this appeal and granted; appeal reinstated and the mandate shall be recalled; appellant has provided proof of payment on 11/6/03 of the required fees for this appeal; remaining briefing schedule reset, re: 03-16975 [29-1] (cc: judge) (REW) (Entered: 01/16/2004)
03/23/2004	32	Copy of 9th Circuit Order; within 21 days appellant shall file excerpts of record; if appellant timely complies with this order, clerk shall file opening brief received 3/16/04 and discard opening brief submitted 2/19/04; appellant advised that failure to timely comply with this order may result in the dismissal of this appeal; if appellant timely complies with this order and the opening brief is filed, the answering brief due 5/10/04, optional reply brief due 14 days after service of the

		answering brief, re: 03-16975 [29-1] (cc: judge) (REW) (Entered: 03/23/2004)
07/12/2004		Clerk's record on appeal transmitted to 9th Circuit re NOTICE OF APPEAL [29-1]; 1 volume clerk's record (REW) (Entered: 07/12/2004)
07/20/2004		LETTER OF TRANSMITTAL from 9th Circuit acknowledging receipt of District Court record. (re: NOTICE OF APPEAL [29-1]) (REW) (Entered: 07/20/2004)
03/14/2005	<u>33</u>	CERTIFIED COPY of 9th Circuit Mandate affirming the decision of the District Court, re: 03-16975 (cc: all counsel/judge) (REW) (ADI-ICMS,). (Entered: 03/14/2005)
07/28/2005		Appeal Record Returned: 29 Notice of Appeal ; Number of Volumes of Clerk's Record: 1 (REW,) (Entered: 07/28/2005)